

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILLIAM R. PESKIN, MARK PERKINS,
KENNETH L. KLAER, and MARIE R.
KLAER, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

PEACHTREE INVESTMENT
SOLUTIONS, LLC, et al.,

Defendants.

C.A. No. 1:21-cv-00002-SCJ

**MOTION TO BE
RELIEVED AS COUNSEL**

David L. Pardue, Stephen V. Carey, and Michael A. Goldsticker of the law firm Parker Poe Adams & Bernstein LLP (“Counsel”), hereby move, pursuant to Rule 1.16(b) of the Georgia Rules of Professional Responsibility and Rule 83.1(E) of the Local Civil Rules of the United States District Court for the Northern District of Georgia, for an order relieving them as counsel for Defendants Peachtree Investment Solutions, LLC, Dwayne Peterson Davis, and J. Stephen Bush (the “Peachtree Defendants”).

Counsel affirms that good cause for withdraw exists under Rule 1.16(b)(4), (5), and (6) of the Georgia Rules of Professional Responsibility. The Peachtree

Defendants have failed substantially to fulfill an obligation to Counsel regarding Counsel's services. In addition, the representation will result in an unreasonable financial burden on Counsel and has been rendered unreasonably difficult by the Peachtree Defendants. Upon request, Counsel will provide the court with additional information on their grounds to withdraw for *in camera* review.

Withdrawal will have no material adverse effect on the interests of any of the Peachtree Defendants. A trial date has not been set, discovery has not commenced, and Defendants' Motions to Dismiss remain pending.

The last known addresses for the Peachtree Defendants are as follows:

Peachtree Investment Solutions, LLC
34 Old Ivy Road, Suite 200
Atlanta, Georgia 30342

Dwayne Peterson Davis
3197 Chatham Road NW
Atlanta, Georgia 30305-1101

J. Stephen Bush
3110 W. Addison Drive
Alpharetta, Georgia 30022

As required by Local Civ. Rule 83.1(E)(2), the undersigned certifies that in correspondence dated May 19, 2023, the Peachtree Defendants were informed of Counsel's intent to move to be relieved as counsel and informed that: (1) the Court will retain jurisdiction over the action, (2) the Peachtree Defendants are obligated to

keep the Court informed of a location where notices, pleadings, or other papers may be served; (3) failure or refusal to satisfy court-related obligations could result in adverse consequences as a corporation; (4) notices may be served on the Peachtree Defendants at their last known address; (5) Peachtree Investment Solutions, LLC may not proceed in this action without counsel and failure to comply with this rule could result in a default judgment against the client; (6) the Peachtree Defendants have the right to object within 14 days of the date when notice of the attorney's intention to request permission to withdraw was served. *See* Local Civ. Rule 83.1 (E)(2)(b)(A)–(I).

NOW THEREFORE, David L. Pardue, Stephen V. Carey, and Michael A. Goldsticker and the law firm of Parker Poe Adams & Bernstein LLP respectfully request that this Court enter an Order permitting them to withdraw as counsel for Defendants Peachtree Investment Solutions, LLC, Dwayne Peterson Davis, and J. Stephen Bush and providing those Defendants a reasonable period of time to retain alternate counsel.

Respectfully submitted this 5th day of June, 2023.

Of Counsel:

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/s/ David L. Pardue

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*Counsel for Defendants Peachtree
Investment Solutions, LLC, Dwayne
Peterson Davis, and J. Stephen Bush*

LOCAL RULE 7.1(D) CERTIFICATION

The undersigned hereby certifies that the foregoing was prepared in Times New Roman 14-point font, pursuant to Local Rule 5.1(B).

Dated: June 5, 2023

/s/ David L. Purdue

David L. Pardue (GA Bar No. 561217)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing by electronically filing the same with the Court via the CM/ECF system, which will provide notice to all counsel of record.

Dated: June 5, 2023

/s/ David L. Pardue

David L. Pardue (GA Bar No. 561217)